

**ASSEMBLY BILL**

**No. 2151**

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**Introduced by Assembly Member Chu**

February 17, 2016

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An act to amend Section 11450 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 2151, as introduced, Chu. CalWORKs: special diet or food preparation needs allowance.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families block grant program, state, and county funds. Existing law specifies the amounts of cash aid to be paid each month to CalWORKs recipients, including an allowance for recurring special needs, as specified.

This bill would require that an additional allowance be paid each month in the amount of \$20 or actual expenses, whichever is greater, to a recipient who has a special dietary need caused by a permanent or temporary medical condition, other than pregnancy. The bill would require the verification to be signed by a licensed physician, dentist, dietician, nutritionist, or other qualified health practitioner. By increasing the administrative duties of counties administering the CalWORKs program, the bill would impose a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11450 of the Welfare and Institutions  
2 Code is amended to read:

3 11450. (a) (1) (A) Aid shall be paid for each needy family,  
4 which shall include all eligible brothers and sisters of each eligible  
5 applicant or recipient child and the parents of the children, but  
6 shall not include unborn children, or recipients of aid under Chapter  
7 3 (commencing with Section 12000), qualified for aid under this  
8 chapter. In determining the amount of aid paid, and notwithstanding  
9 the minimum basic standards of adequate care specified in Section  
10 11452, the family's income, exclusive of any amounts considered  
11 exempt as income or paid pursuant to subdivision (e) or Section  
12 11453.1, determined for the prospective semiannual period  
13 pursuant to Sections 11265.1, 11265.2, and 11265.3, and then  
14 calculated pursuant to Section 11451.5, shall be deducted from  
15 the sum specified in the following table, as adjusted for  
16 cost-of-living increases pursuant to Section 11453 and paragraph  
17 (2). In no case shall the amount of aid paid for each month exceed  
18 the sum specified in the following table, as adjusted for  
19 cost-of-living increases pursuant to Section 11453 and paragraph  
20 (2), plus any special needs, as specified in subdivisions (c), (e),  
21 and (f):

22		
23	Number of	
24	eligible needy	
25	persons in	Maximum
26	the same home	aid
27	1.....	\$ 326
28	2.....	535

1	Number of	
2	eligible needy	
3	persons in	Maximum
4	the same home	aid
5	3.....	663
6	4.....	788
7	5.....	899
8	6.....	1,010
9	7.....	1,109
10	8.....	1,209
11	9.....	1,306
12	10 or more.....	1,403

13  
14 (B) If, when, and during those times that the United States  
15 government increases or decreases its contributions in assistance  
16 of needy children in this state above or below the amount paid on  
17 July 1, 1972, the amounts specified in the above table shall be  
18 increased or decreased by an amount equal to that increase or  
19 decrease by the United States government, provided that no  
20 increase or decrease shall be subject to subsequent adjustment  
21 pursuant to Section 11453.

22 (2) The sums specified in paragraph (1) shall not be adjusted  
23 for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94,  
24 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through  
25 October 31, 1998, nor shall that amount be included in the base  
26 for calculating any cost-of-living increases for any fiscal year  
27 thereafter. Elimination of the cost-of-living adjustment pursuant  
28 to this paragraph shall satisfy the requirements of *former* Section  
29 11453.05, and no further reduction shall be made pursuant to that  
30 section.

31 (b) (1) When the family does not include a needy child qualified  
32 for aid under this chapter, aid shall be paid to a pregnant child who  
33 is 18 years of age or younger at any time after verification of  
34 pregnancy, in the amount that would otherwise be paid to one  
35 person, as specified in subdivision (a), if the child and her child,  
36 if born, would have qualified for aid under this chapter. Verification  
37 of pregnancy shall be required as a condition of eligibility for aid  
38 under this subdivision.

39 (2) Notwithstanding paragraph (1), when the family does not  
40 include a needy child qualified for aid under this chapter, aid shall

1 be paid to a pregnant woman for the month in which the birth is  
2 anticipated and for the six-month period immediately prior to the  
3 month in which the birth is anticipated, in the amount that would  
4 otherwise be paid to one person, as specified in subdivision (a), if  
5 the woman and child, if born, would have qualified for aid under  
6 this chapter. Verification of pregnancy shall be required as a  
7 condition of eligibility for aid under this subdivision.

8 (3) Paragraph (1) shall apply only when the Cal-Learn Program  
9 is operative.

10 (c) The amount of forty-seven dollars (\$47) per month shall be  
11 paid to pregnant women qualified for aid under subdivision (a) or  
12 (b) to meet special needs resulting from pregnancy if the woman  
13 and child, if born, would have qualified for aid under this chapter.  
14 County welfare departments shall refer all recipients of aid under  
15 this subdivision to a local provider of the Women, Infants, and  
16 Children program. If that payment to pregnant women qualified  
17 for aid under subdivision (a) is considered income under federal  
18 law in the first five months of pregnancy, payments under this  
19 subdivision shall not apply to persons eligible under subdivision  
20 (a), except for the month in which birth is anticipated and for the  
21 three-month period immediately prior to the month in which  
22 delivery is anticipated, if the woman and child, if born, would have  
23 qualified for aid under this chapter.

24 (d) For children receiving AFDC-FC under this chapter, there  
25 shall be paid, exclusive of any amount considered exempt as  
26 income, an amount of aid each month that, when added to the  
27 child's income, is equal to the rate specified in Section 11460,  
28 11461, 11462, 11462.1, or 11463. In addition, the child shall be  
29 eligible for special needs, as specified in departmental regulations.

30 (e) (1) In addition to the amounts payable under subdivision  
31 (a) and Section 11453.1, a family shall be entitled to receive an  
32 allowance for recurring special needs not common to a majority  
33 of recipients. These recurring special needs shall include, but not  
34 be limited to, special diets ~~upon the recommendation of a physician~~  
35 ~~for circumstances other than pregnancy, or food preparation needs,~~  
36 ~~as described in paragraph (2),~~ and unusual costs of transportation,  
37 laundry, housekeeping services, telephone, and utilities. ~~The Except~~  
38 ~~as provided in paragraph (2), the~~ recurring special needs allowance  
39 for each family per month shall not exceed that amount resulting

1 from multiplying the sum of ten dollars (\$10) by the number of  
2 recipients in the family who are eligible for assistance.

3 *(2) Each recipient is entitled to a special diet or food*  
4 *preparation needs allowance of twenty dollars (\$20) per month,*  
5 *or actual verified expenses related to the special diet or food*  
6 *preparation needs, whichever is greater. The allowance shall be*  
7 *provided in the form of a supplemental food benefit upon a county's*  
8 *receipt of verification that a recipient has a special dietary need*  
9 *caused by a permanent or temporary medical condition, other than*  
10 *pregnancy. This verification shall be signed by a licensed*  
11 *physician, dentist, dietician, nutritionist, or other qualified health*  
12 *practitioner.*

13 (f) After a family has used all available liquid resources, both  
14 exempt and nonexempt, in excess of one hundred dollars (\$100),  
15 with the exception of funds deposited in a restricted account  
16 described in subdivision (a) of Section 11155.2, the family shall  
17 also be entitled to receive an allowance for nonrecurring special  
18 needs.

19 (1) An allowance for nonrecurring special needs shall be granted  
20 for replacement of clothing and household equipment and for  
21 emergency housing needs other than those needs addressed by  
22 paragraph (2). These needs shall be caused by sudden and unusual  
23 circumstances beyond the control of the needy family. The  
24 department shall establish the allowance for each of the  
25 nonrecurring special needs items. The sum of all nonrecurring  
26 special needs provided by this subdivision shall not exceed six  
27 hundred dollars (\$600) per event.

28 (2) (A) Homeless assistance is available to a homeless family  
29 seeking shelter when the family is eligible for aid under this  
30 chapter. Homeless assistance for temporary shelter is also available  
31 to homeless families that are apparently eligible for aid under this  
32 chapter. Apparent eligibility exists when evidence presented by  
33 the applicant, or that is otherwise available to the county welfare  
34 department, and the information provided on the application  
35 documents indicate that there would be eligibility for aid under  
36 this chapter if the evidence and information were verified.  
37 However, an alien applicant who does not provide verification of  
38 his or her eligible alien status, or a woman with no eligible children  
39 who does not provide medical verification of pregnancy, is not  
40 apparently eligible for purposes of this section.

(B) A family is considered homeless, for the purpose of this section, when the family lacks a fixed and regular nighttime residence; or the family has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations; or the family is residing in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. A family is also considered homeless for the purpose of this section if the family has received a notice to pay rent or quit. The family shall demonstrate that the eviction is the result of a verified financial hardship as a result of extraordinary circumstances beyond their control, and not other lease or rental violations, and that the family is experiencing a financial crisis that could result in homelessness if preventative assistance is not provided.

~~(A)~~

(3) (A) (i) A nonrecurring special needs benefit of sixty-five dollars (\$65) a day shall be available to families of up to four members for the costs of temporary shelter, subject to the requirements of this paragraph. The fifth and additional members of the family shall each receive fifteen dollars (\$15) per day, up to a daily maximum of one hundred twenty-five dollars (\$125). County welfare departments may increase the daily amount available for temporary shelter as necessary to secure the additional bedspace needed by the family.

(ii) This special needs benefit shall be granted or denied immediately upon the family's application for homeless assistance, and benefits shall be available for up to three working days. The county welfare department shall verify the family's homelessness within the first three working days and if the family meets the criteria of questionable homelessness established by the department, the county welfare department shall refer the family to its early fraud prevention and detection unit, if the county has such a unit, for assistance in the verification of homelessness within this period.

(iii) After homelessness has been verified, the three-day limit shall be extended for a period of time which, when added to the initial benefits provided, does not exceed a total of 16 calendar days. This extension of benefits shall be done in increments of one week and shall be based upon searching for permanent housing which shall be documented on a housing search form, good cause,

1 or other circumstances defined by the department. Documentation  
2 of a housing search shall be required for the initial extension of  
3 benefits beyond the three-day limit and on a weekly basis thereafter  
4 as long as the family is receiving temporary shelter benefits. Good  
5 cause shall include, but is not limited to, situations in which the  
6 county welfare department has determined that the family, to the  
7 extent it is capable, has made a good faith but unsuccessful effort  
8 to secure permanent housing while receiving temporary shelter  
9 benefits.

10 (B) (i) A nonrecurring special needs benefit for permanent  
11 housing assistance is available to pay for last month's rent and  
12 security deposits when these payments are reasonable conditions  
13 of securing a residence, or to pay for up to two months of rent  
14 arrearages, when these payments are a reasonable condition of  
15 preventing eviction.

16 (ii) The last month's rent or monthly arrearage portion of the  
17 payment (I) shall not exceed 80 percent of the family's total  
18 monthly household income without the value of CalFresh benefits  
19 or special needs benefit for a family of that size and (II) shall only  
20 be made to families that have found permanent housing costing  
21 no more than 80 percent of the family's total monthly household  
22 income without the value of CalFresh benefits or special needs  
23 benefit for a family of that size.

24 (iii) However, if the county welfare department determines that  
25 a family intends to reside with individuals who will be sharing  
26 housing costs, the county welfare department shall, in appropriate  
27 circumstances, set aside the condition specified in subclause (II)  
28 of clause (ii).

29 (C) The nonrecurring special needs benefit for permanent  
30 housing assistance is also available to cover the standard costs of  
31 deposits for utilities which are necessary for the health and safety  
32 of the family.

33 (D) A payment for or denial of permanent housing assistance  
34 shall be issued no later than one working day from the time that a  
35 family presents evidence of the availability of permanent housing.  
36 If an applicant family provides evidence of the availability of  
37 permanent housing before the county welfare department has  
38 established eligibility for aid under this chapter, the county welfare  
39 department shall complete the eligibility determination so that the  
40 denial of or payment for permanent housing assistance is issued

1 within one working day from the submission of evidence of the  
2 availability of permanent housing, unless the family has failed to  
3 provide all of the verification necessary to establish eligibility for  
4 aid under this chapter.

5 (E) (i) Except as provided in clauses (ii) and (iii), eligibility  
6 for the temporary shelter assistance and the permanent housing  
7 assistance pursuant to this paragraph shall be limited to one period  
8 of up to 16 consecutive calendar days of temporary assistance and  
9 one payment of permanent assistance. Any family that includes a  
10 parent or nonparent caretaker relative living in the home who has  
11 previously received temporary or permanent homeless assistance  
12 at any time on behalf of an eligible child shall not be eligible for  
13 further homeless assistance. Any person who applies for homeless  
14 assistance benefits shall be informed that the temporary shelter  
15 benefit of up to 16 consecutive days is available only once in a  
16 lifetime, with certain exceptions, and that a break in the consecutive  
17 use of the benefit constitutes permanent exhaustion of the  
18 temporary benefit.

19 (ii) A family that becomes homeless as a direct and primary  
20 result of a state or federally declared natural disaster shall be  
21 eligible for temporary and permanent homeless assistance.

22 (iii) A family shall be eligible for temporary and permanent  
23 homeless assistance when homelessness is a direct result of  
24 domestic violence by a spouse, partner, or roommate; physical or  
25 mental illness that is medically verified that shall not include a  
26 diagnosis of alcoholism, drug addiction, or psychological stress;  
27 or, the uninhabitability of the former residence caused by sudden  
28 and unusual circumstances beyond the control of the family  
29 including natural catastrophe, fire, or condemnation. These  
30 circumstances shall be verified by a third-party governmental or  
31 private health and human services agency, except that domestic  
32 violence may also be verified by a sworn statement by the victim,  
33 as provided under Section 11495.25. Homeless assistance payments  
34 based on these specific circumstances may not be received more  
35 often than once in any 12-month period. In addition, if the domestic  
36 violence is verified by a sworn statement by the victim, the  
37 homeless assistance payments shall be limited to two periods of  
38 not more than 16 consecutive calendar days of temporary assistance  
39 and two payments of permanent assistance. A county may require  
40 that a recipient of homeless assistance benefits who qualifies under



1 this paragraph for a second time in a 24-month period participate  
2 in a homelessness avoidance case plan as a condition of eligibility  
3 for homeless assistance benefits. The county welfare department  
4 shall immediately inform recipients who verify domestic violence  
5 by a sworn statement of the availability of domestic violence  
6 counseling and services, and refer those recipients to services upon  
7 request.

8 (iv) If a county requires a recipient who verifies domestic  
9 violence by a sworn statement to participate in a homelessness  
10 avoidance case plan pursuant to clause (iii), the plan shall include  
11 the provision of domestic violence services, if appropriate.

12 (v) If a recipient seeking homeless assistance based on domestic  
13 violence pursuant to clause (iii) has previously received homeless  
14 avoidance services based on domestic violence, the county shall  
15 review whether services were offered to the recipient and consider  
16 what additional services would assist the recipient in leaving the  
17 domestic violence situation.

18 (vi) The county welfare department shall report necessary data  
19 to the department through a statewide homeless assistance payment  
20 indicator system, as requested by the department, regarding all  
21 recipients of aid under this paragraph.

22 (F) The county welfare departments, and all other entities  
23 participating in the costs of the CalWORKs program, have the  
24 right in their share to any refunds resulting from payment of the  
25 permanent housing. However, if an emergency requires the family  
26 to move within the 12-month period specified in subparagraph  
27 (E), the family shall be allowed to use any refunds received from  
28 its deposits to meet the costs of moving to another residence.

29 (G) Payments to providers for temporary shelter and permanent  
30 housing and utilities shall be made on behalf of families requesting  
31 these payments.

32 (H) The daily amount for the temporary shelter special needs  
33 benefit for homeless assistance may be increased if authorized by  
34 the current year's Budget Act by specifying a different daily  
35 allowance and appropriating the funds therefor.

36 (I) No payment shall be made pursuant to this paragraph unless  
37 the provider of housing is a commercial establishment, shelter, or  
38 person in the business of renting properties who has a history of  
39 renting properties.

1 (g) The department shall establish rules and regulations ensuring  
2 the uniform statewide application of this section.

3 (h) The department shall notify all applicants and recipients of  
4 aid through the standardized application form that these benefits  
5 are available and shall provide an opportunity for recipients to  
6 apply for the funds quickly and efficiently.

7 (i) (A) Except for the purposes of Section 15200, the amounts  
8 payable to recipients pursuant to Section 11453.1 shall not  
9 constitute part of the payment schedule set forth in subdivision  
10 (a).

11 (B) The amounts payable to recipients pursuant to Section  
12 11453.1 shall not constitute income to recipients of aid under this  
13 section.

14 (j) For children receiving Kin-GAP pursuant to Article 4.5  
15 (commencing with Section 11360) or Article 4.7 (commencing  
16 with Section 11385) there shall be paid, exclusive of any amount  
17 considered exempt as income, an amount of aid each month, which,  
18 when added to the child's income, is equal to the rate specified in  
19 Sections 11364 and 11387.

20 (k) (1) A county shall implement the semiannual reporting  
21 requirements in accordance with Chapter 501 of the Statutes of  
22 2011 no later than October 1, 2013.

23 (2) Upon completion of the implementation described in  
24 paragraph (1), each county shall provide a certificate to the director  
25 certifying that semiannual reporting has been implemented in the  
26 county.

27 (3) Upon filing the certificate described in paragraph (2), a  
28 county shall comply with the semiannual reporting provisions of  
29 this section.

30 ~~(l) This section shall become operative on July 1, 2015.~~

31 SEC. 2. No appropriation pursuant to Section 15200 of the  
32 Welfare and Institutions Code shall be made for purposes of  
33 implementing this act.

34 SEC. 3. If the Commission on State Mandates determines that  
35 this act contains costs mandated by the state, reimbursement to  
36 local agencies and school districts for those costs shall be made  
37 pursuant to Part 7 (commencing with Section 17500) of Division  
38 4 of Title 2 of the Government Code.

O